

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES GYPSUM COMPANY,

Plaintiff,

v.

3M INNOVATIVE PROPERTIES
COMPANY and 3M COMPANY,

Defendants.

Civil Action No.: 07 cv 6381

Judge Darrah

Mag. Judge Keys

AFFIDAVIT OF SHARON GROSH

(In Support Of Defendants' Motion To Dismiss)

Sharon Grosh, being duly sworn, hereby testifies:

1. I am a Director of Strategic Intellectual Asset Management for Defendant 3M Innovative Properties. I make this Affidavit on personal knowledge unless otherwise indicated.
2. My job responsibilities include supervising and directly participating in the negotiation of licenses for various patents held by 3M Innovative Properties and licensed to 3M Company (collectively, "3M"). Among such patents is United States Patent 7,052,544 (the "'544 patent").
3. In February 2007, 3M entered into a Confidential Disclosure Agreement ("CDA") with Plaintiff United States Gypsum Company. The CDA was executed in February 2007, but has an effective date of January 1, 2006. A true and correct copy of the CDA between 3M and USG is attached as Exhibit A.

4. The CDA allowed the parties to explore a potential license of the '544 Patent, without forcing 3M to first bring suit to secure its choice of forum in the event negotiations were unsuccessful.

5. After the CDA was executed, 3M and USG engaged in substantial, detailed communications regarding the '544 patent and USG's United States Patent 6,673,144 (the "'144 patent"). During these discussions, USG expressed its interest in obtaining a license to 3M's '544 patent.

6. The parties' licensing negotiations continued through the first week of November 2007.

7. On or about November 12, 2007, USG abruptly broke off negotiations and brought this suit against 3M.

Further affiant sayeth not.

Sharon Grosh

Sharon Grosh

Sworn before Megan Rindlisbacher on Dec. 3, 2007, 2007.

Megan B

